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November 18, 2024

VIA CM/ECF ONLY

Hon. Mark W. Pedersen
USDC-WDNY
100 State Street
Rochester, NY 14614

RE: Kendrick v. LaFave, et al, Case No.: 18-cv-6932

SUBJECT: Proposed Order expanding scope of pro bono representation

Dear Judge Pedersen,

As stated during our last status conference in this matter on October 8, 2024, I subpoenaed the U.S. Attorney's Office ("USAO") for documents that Mr. Kendrick is attempting to obtain in this matter. In response the USAO requested that I provide them with a "Touhy" request¹ specifying why the documents requested were relevant and unobtainable from any other source. Afterwards the USAO produced certain documents, which have been forwarded onto Mr. Kendrick for his review.

The USAO, however, appears to have limited the scope of documents produced based on the Court's Order appointing me as pro bono counsel (*see* ECF No. 80), as specified in its letter (enclosed) dated November 4, 2024:

Therefore, in compliance with this Court Order, we will be limiting our Touhy responses to the scope of the Order appointing you as *pro bono* counsel and will provide responses to the requests numbered 1, 2 as to the Sharon Drive location only, 5, 6, and 9. Your requests numbered 2 with respect to the Augustine Street address, 3, 4, 7 and 8 are outside of the scope of the *pro bono* representation order.

In hopes of resolving this issue, I have enclosed a proposed order that expands the scope of my pro bono representation consistent with the documents requested from the USAO.

Please let me know of any questions. I thank the Court for its attention and consideration.

Sincerely,



Greg Silverman

cc: James Dean Kendrick
Inmate - 19301055
USP Canaan
3057 Eric J. Williams Memorial Dr.
Waymart, PA 18472

¹ See *United States ex rel. Touhy v. Ragen*, 340 U.S. 462 (1951).